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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,906

09/18/2003

G.R. Mohan Rao

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EXAMINER

PORTKA, GARY J

ART UNIT

PAPER NUMBER

2187

MAIL DATE

DELIVERY MODE

07/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/665,906

**Applicant(s)**

RAO, G.R. MOHAN

**Examiner**

GARY PORTKA

**Art Unit**

2187

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                             |                                                                                         |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. In accordance with MPEP 1214, prosecution of claims 8-15 is reopened in view of the amendment submitted June 5, 2009. Claims 1-7 and 16-21 stand rejected as affirmed by the Board in the decision of April 7, 2009. Claims 8-15 are examined herein.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathur.

4. As to claim 8, Mathur discloses a *switch comprising ports configured to exchange data with external devices (see Abstract, Fig. 2), memory having an array of cells arranged as rows each comprising y number of cells (Figs. 2 and 3, memory 20 having y number of cells such as 48 x 256 as shown in Fig. 9), buffer associated with one of the ports and configured to assemble a stream of data words, as received by the port, into a single word of predetermined width of x number of bits, wherein y divided by x results in an integer greater than one* (buffers such as 36, 38 of Fig. 3, col. 6 lines 36-65, where single word of x bits may be seen as the packets as shown in Fig. 9, for example, where x equals 256 x 2 for PKT 1 and 256 x 4 for PKT 2). As previously cited also generally see

Art Unit: 2187

Figs. 6 and 7, col. 1 line 55 to col. 2 line 11, col. 4 lines 31-44, col. 5 lines 56-61, and col. 11 lines 44-56.

5. Although Mathur does not disclose plural banks and plural tables, Mathur recognizes that such a design is scalable in size and number (col. 13 lines 13-15, as pointed out by the Board in the decision of April 7, 2009), and thus the addition of banks and tables to the system disclosed by Mathur would have been readily obvious to an artisan at the time of the invention, to achieve its benefits in a larger system environment.

6. As to claim 9, Mathur does not disclose the streams of data words comprises eight 48 bit words of ATM data. This limitation was obvious and well known at the time of the invention. The specific word bit width recited falls within the envisioned embodiments of a clearly scalable bit size. Advantages of using ATM format were notoriously well known. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use eight 48 bit words of ATM data, because they and their advantages were widely known at the time.

7. As to claim 10, the address tables (tables 60) in Mathur operate as, and thus comprise a FIFO as recited (Fig. 6, col. 9 lines 8-25).

8. As to claim 11, Mathur discloses the used address tables (tables 80) comprise random access memory as recited (Fig. 7, col. 10 lines 1-15).

9. As to claim 12-15, the obvious variation of Mathur having multiple banks discussed above comprises any number of banks, randomly accessible, and certainly the obvious variation where number of banks is less than the number of ports, thus further requiring a bank to store data from more than one port.

***Response to Arguments***

10. Applicant's arguments filed in the brief of June 5, 2009 have been fully considered but they are not persuasive.

11. Applicants have argued that Mathur does not disclose the added limitation of number of bits of memory width divided by the number of bits of word assembled by the input buffer is an integer greater than 1. Examiner disagrees as detailed above. The argument that Mathur discloses variable packet sizes is irrelevant since the claim does not require the integer to remain unchanged, or to be equal for each word, buffer, or row.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J. Portka whose telephone number is

Art Unit: 2187

(571) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/GARY J PORTKA/

Primary Examiner

Art Unit 2187

July 17, 2009